

**House File 49 - Introduced**

HOUSE FILE 49

BY SANDS

**A BILL FOR**

1 An Act providing for drainage or levee districts managed by a  
2 board of trustees, and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 468.500, Code 2013, is amended to read  
2 as follows:

3 **468.500 Trustees authorized.**

4 1. a. In the manner provided in this subchapter, any  
5 drainage or levee district in which the original construction  
6 has been completed and paid for by bond issue or otherwise,  
7 may be placed under the control and management of a board of  
8 ~~three~~ trustees to be elected by the persons owning land in the  
9 district that has been assessed for benefits.  
10 b. A drainage or levee district under the control of a city  
11 council as provided in subchapter II, part 3, may be placed  
12 under the control and management of a board of trustees by  
13 the city council following the procedures provided in ~~this~~  
14 ~~subchapter~~ part 2 for the county board of supervisors.  
15 2. An overlying drainage or levee district that controls and  
16 manages improvements and rights-of-way surrendered by a board  
17 of supervisors or board of trustees of a contained district,  
18 in accordance with sections 468.256 through 468.259, shall  
19 continue to be controlled and managed by a board of trustees  
20 as provided in part 3.

21 **Sec. 2. NEW SECTION. 468.538 Scope.**

22 This part applies when the board of trustees of an overlying  
23 district accepts all improvements and rights-of-way surrendered  
24 by a board of supervisors or board of trustees of a contained  
25 district, in accordance with sections 468.256 through 468.259.  
26 In addition, after such acceptance, the overlying district must  
27 include at least thirty-five thousand acres with a pumping  
28 station, regardless of whether the drainage or levee district  
29 is located in more than one county. Such a district shall  
30 continue to be controlled and managed by a board of trustees  
31 elected as provided in this part.

32 **Sec. 3. NEW SECTION. 468.539 Qualified application.**

33 Part 1 of this subchapter shall also apply to this part,  
34 except as follows:

35 1. The trustees of the overlying district serving on the

1 board at the time of acceptance as described in section 468.538  
2 shall be considered initially elected as the trustees of the  
3 drainage or levee district as provided in sections 468.502,  
4 468.503, and 468.521.

5 2. *a.* The board of trustees described in subsection 1 shall  
6 do all of the following:

7 (1) Establish the overlying district as a new drainage  
8 or levee district, which must include all improvements and  
9 rights-of-way surrendered by a board of supervisors or board of  
10 trustees of the contained district.

11 (2) Divide the new drainage or levee district into three  
12 election districts in the same manner as a board of supervisors  
13 acting pursuant to sections 468.504 and 468.505.

14 *b.* The petition described in section 468.501 is not required  
15 to be filed or considered under this subsection.

16 3. Each of the three persons elected as trustee to serve  
17 on a new drainage or levee district established pursuant to an  
18 election held by the board of trustees described in subsection  
19 1 shall hold office for a staggered term as provided in section  
20 468.518. A person elected as a trustee of the new drainage  
21 or levee district shall be elected from a specified election  
22 district, unless the person is elected at large as provided in  
23 subsection 4.

24 4. The board of trustees described in subsection 1 or a  
25 subsequent board of trustees of the new drainage or levee  
26 district may provide for the election of two additional persons  
27 to serve as trustees. One person's initial term shall be for  
28 one year and the second person's initial term shall be for two  
29 years in the same manner as provided in section 468.518.

30 5. Votes shall be determined as provided pursuant to either  
31 section 468.510 or 468.511 in the same manner as was determined  
32 for the overlying district.

33 Sec. 4. DIVISION OF CHAPTER 468, SUBCHAPTER III. The Code  
34 editor shall codify section 468.500, as amended by this Act, as  
35 part 1 of chapter 468, subchapter III; sections 468.501 through

1 468.537 as part 2 of chapter 468, subchapter III; and sections  
 2 468.538 and 468.539 as part 3 of chapter 468, subchapter III.

3 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
 4 immediate importance, takes effect upon enactment.

5 EXPLANATION

6 BACKGROUND — TRANSFER OF JURISDICTION TO A GOVERNING BODY  
 7 OF A DRAINAGE OR LEVEE DISTRICT. When a drainage or levee  
 8 district is first established, it is managed by a board of  
 9 supervisors in the county where the district is located or  
 10 by a joint board of supervisors if the district extends into  
 11 more than one county (Code chapter 468, subchapter I, part  
 12 1). After the district has been established, the board of  
 13 supervisors, or joint board of supervisors, may transfer a  
 14 portion of its jurisdiction to another governing body. For  
 15 example, in some cases, a city may assume management of the  
 16 entire district (Code chapter 468, subchapter II, part 3). In  
 17 another case, the landowners of the district may petition the  
 18 county or counties where the district is located to conduct  
 19 a special election in order to transfer jurisdiction of the  
 20 district to a three-member board of elected trustees (Code  
 21 chapter 468, subchapter III). In that case, the county board  
 22 of supervisors, or joint board of supervisors, conducts an  
 23 initial election (Code section 468.517) and the board of  
 24 trustees conducts subsequent elections (Code section 468.521).  
 25 Where a district contains 20,000 acres or more, the board of  
 26 supervisors, or joint board of supervisors, may divide the  
 27 district into three election districts. A trustee residing in  
 28 each election district is elected by landowners for the entire  
 29 district (Code section 468.504). Ordinarily, trustees serve  
 30 for staggered three-year terms (Code section 468.518) except  
 31 for trustees in districts having a pumping station who may  
 32 serve concurrently (Code section 468.519).

33 BACKGROUND — TRANSFER OF MUTUAL TERRITORY FROM ONE DRAINAGE  
 34 OR LEVEE DISTRICT TO ANOTHER. Two or more drainage or levee  
 35 districts may share mutual territory. The district which

1 has jurisdiction of all such territory is referred to as an  
2 overlying district and each district which has jurisdiction  
3 of a portion of that territory is referred to as a contained  
4 district. The governing body of a contained district or  
5 overlying district may be a board of supervisors, joint  
6 board of supervisors, or board of trustees. After receiving  
7 a dissolution petition, the governing body of a contained  
8 district must conduct an election to dissolve the district and  
9 the governing body of the overlying district may conduct a  
10 hearing and accept improvements and rights-of-way surrendered  
11 by the board of the contained district, or in the alternative,  
12 conduct an election of land users (Code chapter 468, subchapter  
13 I, part 6).

14 BILL — SCOPE. The bill establishes a new process for the  
15 election of trustees of a new district formed when an overlying  
16 district accepts all improvements and rights-of-way surrendered  
17 by a board of supervisors or board of trustees of a contained  
18 district (Code sections 468.256 through 468.259), if the new  
19 district includes at least 35,000 acres with a pumping station,  
20 regardless of whether the new district is located in more than  
21 one county.

22 BILL — PETITION AND ELECTION TO ESTABLISH A BOARD OF  
23 TRUSTEE FORM OF GOVERNANCE NOT REQUIRED. The bill provides  
24 that the current Code procedures under Code chapter 468,  
25 subchapter I, part 6, requiring petition and election by  
26 landowners to establish a trustee form of governance under  
27 Code sections 468.500 through 468.502 do not apply. Instead,  
28 the board of trustees currently serving for the overlying  
29 district is responsible for conducting the election of  
30 trustees to the new district in the same manner as if the  
31 board of trustees initially elected under the supervision of  
32 a board of supervisors, or joint board of supervisors, would  
33 be responsible for conducting the election of trustees to an  
34 existing district.

35 BILL — NEW ELECTION REQUIREMENTS. The bill provides that

1 trustees of the overlying district must divide the new drainage  
2 or levee district into three election districts in the same  
3 manner as a board of supervisors acting pursuant to Code  
4 sections 468.504 and 468.505. The individuals elected to the  
5 board as trustees must serve staggered terms notwithstanding  
6 any special requirements in Code section 568.519. In addition,  
7 either the board of trustees of the overlying district or a  
8 subsequent board of trustees of the new district may provide  
9 for the election of two additional persons to serve at large.

10 BILL — CHAPTER ORGANIZATION. The bill requires the Code  
11 editor to organize Code chapter 468, subchapter III, into new  
12 parts in order to enhance the Code's readability.

13 BILL — EFFECTIVE DATE. The bill takes effect upon  
14 enactment.